



LATERAL CERTIFICATION OF POLICE OFFICERS

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LATERAL CERTIFICATION

"Lateral certification" is certification by POST of a currently certified police officer as a police officer in a different police department.

A municipal police officer who leaves one police department to work at another must be certified by POST and must meet the council's entry-level requirements for recruits, irrespective of when he or she was previously certified.

QUESTION

What is meant by lateral transfer and lateral certification with regard to the Police Officer Standards and Training Council (POST)? What steps has the legislature taken to address the lateral certification issue?

SUMMARY

POST establishes minimum qualifications for municipal police officers (among others) in the state and enforces professional standards for certifying and decertifying them.

POST certifies new municipal police officers and police officers who move to another department ("lateral certification"), regardless of when they were last certified. Under existing law and current POST regulations, POST-certified police officers who move to another department must generally meet all the council's entry-level requirements for new recruits, except the physical fitness test.

Under the council's regulations in effect in 2011, POST-certified police officers who moved to another department within two years after being certified had to be certified anew in the same manner as recruits. Thus, they had to meet the council's entry-level requirements, which include drug, polygraph, physical fitness, and psychological tests, and retake the police basic training program, even if they were recently certified. It is unclear whether the intent of the two-year rule was to (1) deter officers from smaller departments that had incurred costs to train them from moving to bigger and wealthier departments or (2) ensure that the original hiring department recouped some of its investment in training the officers.

A 2003 bill, which did not pass, would have imposed a financial penalty on municipalities that hired a POST-certified police officer from another law enforcement unit within two years of certification. It would have required such municipalities to reimburse the original department the cost of certification as follows: full cost, if the hiring took place within the first year after certification and two-thirds of the cost if the hiring took place between one and two years after certification.

In 2011, the legislature introduced a bill that would have allowed police officers to move from one department to another and not repeat the basic training program or meet entry-level requirements. Many police chiefs, and others, opposed the bill on the grounds that entry-level requirements, such as drug screening, criminal history record check, and polygraph examination, were necessary to weed out unqualified and corrupt police officers. They labelled the bill the “bad cop” bill. In response, the House removed the entry-level provision from the bill and passed the amended bill, which became [PA 11-251](#). It allows POST-certified police officers to move to another Connecticut police department without having to repeat minimum basic training. But the officers must still meet all of the council’s entry-level requirements. A 2012 bill sought to exempt officers from the physical testing portion of the entry-level requirements. The bill did not pass, but POST subsequently changed its regulations to create this exemption.

POST REGULATIONS

Lateral Certification

POST regulations define “lateral certification” as the certification of a currently certified police officer as a police officer with a different law enforcement unit within the state ([Conn. Agencies Reg. § 7-294e-1\(a\)](#)).

Under regulations in effect in 2011, POST-certified police officers who moved to a different department in the state had to be certified in the same way as new police officers. If they moved within two years of certification they had to meet all of the council’s entry-level requirements for an original certification and satisfactorily complete POST-approved basic training. But, under a procedure promulgated by POST, both police chiefs could agree to waive the two-year rule, in which case such officers did not have to repeat the basic training, according to Chief Thomas Flaherty, current POST executive director.

Officers employed for at least two continuous years had to meet the entry-level requirements, but not the basic training requirement, provided they had not taken more than a three-year break from the department where they last worked ([Conn. Agencies Reg. § 7-294e-1 & 2](#)).

POST Entry-Level Requirements

Entry-level requirements for municipal police officers include a personal interview, fingerprint examination, background investigation, psychological examination, criminal history record check, drug test, and physical fitness and medical tests ([Conn. Agencies Reg. § 7-294e-16](#)).

Basic Training Program

At a minimum, the basic training consists of “the curriculum, skill training and hours deemed necessary by the Council, and the supervised departmental training program adopted by the Council” ([Conn. Agencies Reg. § 7-294e-3](#)). (POST may waive its basic training under specified and limited circumstances ([Conn. Agencies Reg. § 7-294e-2](#))).

THE 2003 BILL

We were unable to determine (in the time we had to respond to this request) exactly when the two-year rule was implemented. It appears to predate 2001, but it apparently was not being rigorously enforced (see testimony on the bill from former below).

A 2003 bill ([sHB 6191](#)), *An Act Concerning Reimbursement by Law Enforcement Units for the Costs of Training Police Officers*, required any police department that hired a police officer from another department within two years of certification to reimburse the original department the cost of certification as follows: full cost, if the hiring took place within the first year after certification and two-thirds of the cost if the hiring took place after one year but less than two years after certification. The bill, which was referred to the Public Safety Committee, died on the House calendar.

Former West Hartford police chief and representative of the Connecticut Police Chiefs Association, James Strillachi, spoke at length on the lateral certification issue.

[We] have to admit that our membership of chiefs is divided on this subject. In our state the recruit has to join a police department before he can undergo training. He’s trained at the police academy or one of

the satellites and is granted POST certification. Because it is transferable, police officers have enjoyed the freedom to leave one agency for employment with another police agency without needing to repeat that basic training. As competition for good recruits increased, so did the lateral movement by officers.

Now, although POST had these standards for a number of years they didn't apply them until 2001, they were not enforced. So it became a recent issue. This lateral movement was a benefit to individual officers. I think the Union folks have testified to that. It was also advantageous to some departments who offered better pay and more opportunity for advancement or assignment, better morale or other desirable conditions. They could hire an officer already trained and avoid the cost of recruitment and training. But it became a problem for some agencies which hired and trained the recruits only to lose them to more attractive departments. The first department essentially subsidized the second for the training costs.

Now, in 2001, POST revised the lateral entry standards and enforced them and now requires the candidate for lateral to repeat the basic training unless he or she's been there for two years, with the original agency. So as you've heard, the officer may have to sit through the same training a second time. And the intent of this bill is to alter that situation. Now some of our chiefs think that new standards discourage predatory hiring and recruitment practices. They think that the standards deter departments from raiding other departments, and they keep the recruits from jumping ship until they've invested some time in their departments. So to that extent it has worked in that manner as intended. Other chiefs think that the Police Officers Standards and Training Council's job is to train and certify officers, and that it has no business trying to equalize economic imbalances among agencies. Those chiefs feel that the standards not only waste the employers wages and benefits, waste the recruits time, wastes the academy staff time and resources, but it also ties up a seat which could be used by an agency that wants to train its officers. That's entirely unrelated to the controversy.

Now if the General Assembly does want to take action on this issue, you could pass this bill, you could not pass this bill if you approve of the situation, or there are some solutions available that have nothing to do with Police Officers Standards and Training Council (Public Safety Committee Hearing Transcript, February 13, 2003).

Strillachi explained to the committee how some police departments had been dealing with the two-year rule:

Some agencies have guarded against loss of their recruits by contract. Now I've had experience with this. My department has both lost officers to other agencies and gained officers from other agencies, we've gone both ways. We had, recently, an officer join us from the town of Torrington. Torrington required, as a matter of contract, that if an officer left within a certain time period, he had to repay training costs, equipment costs, and related costs, to the town of Torrington. When that officer joined us, he was sued by the town of Torrington for \$13,000.

We essentially adopted the officer's costs, sent our lawyer to negotiate with their lawyer, negotiated the price down to a fair one, and we paid Torrington for their loss, we made them whole and the officer understandably is very loyal to us now because we've invested in his tenancy with us. A legislative version of this contract could be an equitable solution. A law could require that the new employer reimburse the former employer for training, equipment, recruitment costs, on a prorated basis depending on the time served. This would compensate the former employer while denying the new employer a complete windfall. It would still give the officer some freedom of motion.

THE 2011 PUBLIC ACT

The "Bad Cop" Bill

The legislature addressed the lateral transfer issue again in 2011 and passed [PA 11-251](#). The original bill, [HB 6295](#), which was reported favorably by the Public Safety and Security Committee, allowed POST-certified police officers to accept employment with another police department in Connecticut without having to repeat minimum basic training or meet entry-level requirements.

Police chiefs opposed this bill on the grounds that allowing police officers to move from one department to another without drug screening, background checks, or polygraphs would make it easier for unscrupulous and corrupt officers to move from one police department to another. They labelled the bill the “bad cop” bill.

PA 11-251

The bill was amended on the floor of the House to allow police officers to be laterally certified without having to return to POST for basic training. But they still must meet the entry-level requirements, including physical background check and polygraph test.

THE 2012 BILL — PHYSICAL FITNESS TEST EXEMPTION

A 2012 bill ([HB 5294](#)), which was referred to the Public Safety and Security Committee, would have exempted police officers who sought lateral certification from the physical fitness test. Under the bill, all the other entry-level requirements would continue to apply.

Chief Anthony Salvatore, chairman of POST, advised the committee that the bill was unnecessary because the council was addressing the issue in regulations. According to Chief Salvatore:

We are merely advising that this bill may not be necessary as the agency is on a parallel track. We have submitted proposed regulations that would do exactly the same thing that this bill is proposing to do. Those regulations have been submitted to the Executive Branch and we would intend to go forward and hopefully put those into law and they would have the same effect as statute as long as we are able to get through the process (Public Safety and Security Hearing Transcript, February 28, 2012).

The House recommitted the bill to the Public Safety and Security Committee. Subsequently, POST adopted regulations, which took effect December 4, 2012, exempting police officers who transfer from one department to another, other than for an entry-level officer position, from the physical test requirement ([Conn Agencies Reg. § 7-294e-2\(e\)](#)).

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